

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

OREGONIANS FOR FLOODPLAIN)	
PROTECTION, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:25-cv-00521-SI
)	
U.S. DEPARTMENT OF COMMERCE, et)	
al.,)	
)	
Defendants.)	

**JOINT MOTION TO STAY PROCEEDINGS
AND CONSOLIDATED MEMORANDUM IN SUPPORT THEREOF
EXPEDITED HEARING REQUESTED**

Defendants U.S. Department of Commerce, Howard Lutnick, in his official capacity, National Marine Fisheries Service (“NMFS”), Eugenio Piñeiro Soler¹, in his official capacity, U.S. Department of Homeland Security, Kristi Noem, in her official capacity, Federal Emergency Management Agency (“FEMA”), and David Richardson², in his official capacity, and Plaintiffs Oregonians for Floodplain Protection and National Association of Home Builders of the United States (“Plaintiffs”), by and through counsel, jointly move the Court for a stay of proceedings in this case to and including July 29, 2025, including a continuance of the May 29, 2025, hearing currently scheduled pursuant to the Court’s Scheduling Order filed May 4, 2025 (ECF No. 46), and a continuance of all deadlines set forth in the Scheduling Order filed April 24, 2025 (ECF No. 48), allowing the parties to discuss options which may resolve the matter without further

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Assistant Administrator for Fisheries Eugenio Piñeiro Soler is automatically substituted for Emily Menashes.

² Pursuant to Federal Rule of Civil Procedure 25(d), Senior Official Performing the Duties of FEMA Administrator David Richardson is automatically substituted for Cameron Hamilton.

litigation. Defendants and Plaintiffs respectfully request expedited consideration of this motion.

In support of this motion, Federal Defendants and Plaintiffs state as follows:

1. Plaintiffs commenced this action on January 6, 2025 (ECF No. 1) and filed a motion for preliminary injunction on January 7, 2025) (ECF No. 4).
2. The requested stay of litigation will enable Federal Defendants and Plaintiffs to discuss options for resolving the matter without further litigation and will therefore serve judicial economy.
3. The requested stay of litigation and continuance of pending litigation deadlines will also promote the efficient and orderly disposition of this matter, including by ensuring that any further briefing or argument presented by the Federal Defendants to this Court will reflect the views of current agency leadership following the change in Administration on January 20, 2025. *See, e.g., Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936) (Courts have inherent powers “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (noting courts’ inherent authority to “manage [their] own affairs so as to achieve the orderly and expeditious disposition of cases”).
4. Undersigned counsel have conferred with counsel for Defendant-intervenors, who authorized undersigned counsel to represent that “Defendant-intervenors oppose a stay of the proceedings because expeditious resolution of this case on the merits facilitates FEMA's ability to comply with the ESA.” Defendant-intervenors do not oppose expedited consideration of this motion.

For the foregoing reasons, Federal Defendants respectfully request the Court to stay this case for 60 days, to and including July 29, 2025. If Federal Defendants and Plaintiffs are unable

to reach a resolution of this matter before July 29, 2025, the parties will confer and file either a proposed schedule for further proceedings or a request for a further stay of litigation. Federal Defendants and Plaintiffs agree that either party may move to lift the stay at any time.

Respectfully submitted this 20th day of May 2025,

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